

## REMARKS

### I. Status of Claims

Claims 1-79 were filed with the application, and claims 67-79 have been canceled.

Claims 1-66 are under examination and stand rejected, variously, under 35 U.S.C. §112, first paragraph, 35 U.S.C. §112, second paragraph and 35 U.S.C. §103. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

### II. Rejection Under 35 U.S.C. §112, First Paragraph

Claims 1, 4-33, 36, 37, 40, 41, 44, 45, 48, 49, 52, 53 and 56-66 stand rejected as allegedly failing to comply with the written description requirement. The examiner argues that the disclosure of CDDO and CDDO-me is insufficient to broadly claim "CDDO-compounds," particularly in light of (i) the absence of a discussion of what "CDDO-compounds" is meant to encompass, and (ii) the absence of data on anything other than CDDO and CDDO-me. Applicants traverse, but in order to advance the prosecution, the claims have been amended to recite only CDDO-Me, thereby overcoming the rejection. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

### III. Rejection Under 35 U.S.C. §112, Second Paragraph

All the independent claims are rejected as indefinite for using the abbreviation "CDDO" in the first instance. Applicants have provided clarifying amendments to each independent claim inserting the chemical name prior to "CDDO-Me." Reconsideration and withdrawal of the rejection is respectfully requested.

#### **IV. Rejection Under 35 U.S.C. §103**

##### **A. Suh et al.**

Claims 41, 42 and 44 are rejected as obvious over Suh *et al.* Suh is said to teach that CDDO inhibits proliferation of several cancer cell lines *in vitro* and that it acts synergistically with LG100268 to induce differentiation of 3T3-L1 fibroblasts. Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended to recite use of CDDO-Me, *i.e.*, the limitation of claim 43, which is not rejected. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

##### **B. Wang et al. in view of Elstner et al.; Suh et al. in view of Al-alami et al. and Lieu et al.; Suh et al. in view of Kurbacher et al.**

Claims 11, 12, 22, 23, 33, 34, 36-38, 40-42, 44-46, 48-50, 52-54 and 56 are rejected as obvious over Wang *et al.* in view of Elstner *et al.* Claims 1, 2, 6-8, 21, 33, 34, 37 and 38 are rejected as obvious over Suh *et al.* and Ito *et al.* in view of Al-alami *et al.* and Lieu *et al.* Claims 1, 2, 6, 9, 10, 21, 33 and 34 are rejected as obvious over Suh *et al.* in view of Kurbacher *et al.* Applicants traverse each of these rejections, but in the interest of advancing the prosecution, each of the claims has been amended to recite the use of CDDO-Me. As pending claims 3, 35, 39, 43, 47, 51 and 55 are limited to CDDO-Me and are not rejected, applicants believes the amendments overcome the rejection. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

V. **Conclusion**

In light of the foregoing, applicants respectfully submit that the withdrawn claims are now eligible for examination and need not be canceled. The examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3184

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